

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
MUHAMMAD Y. KHAN, M.D., :
RESPONDENT. :

0004975

Division of Legal Services and Compliance Case No. 14 MED 372

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Muhammad Y. Khan, M.D.
1218 W. Kilbourn Avenue, Ste. 409
Milwaukee, WI 53233-1325

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Muhammad Y. Khan, M.D. (DOB April 7, 1941), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 20290-20, first issued on August 24, 1976, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1218 W. Kilbourn Avenue, Suite 409, Milwaukee, Wisconsin 53233-1325.

2. At all times relevant to this proceeding, Respondent was employed as a physician at a medical center located in Milwaukee, Wisconsin.

3. On August 24, 2009, Respondent saw Patient A, a female born in 1970, for a surgical consultation regarding a colorectal mass, bleeding and discomfort.

4. During the August 24, 2009 surgical consult, Respondent did not document that he performed a rectal examination of Patient A. He believes he did it under anesthesia, but he cannot say for sure. Respondent charted his plan as follows:

PLAN: I will try to get the report from [Provider A¹] about the colonoscopic examination. In the meantime, we will go ahead and order a CT of the abdomen and pelvis.

5. On August 25, 2009, after obtaining Patient A's CT and colonoscopy pathology results, Respondent charted his surgical plan for abdominal perineal resection and permanent colostomy:

CT rectal mass, etiology? She needs biopsy before doing surgery. I will talk to [Provider A] ...

Pathology report at Columbia St. Mary. It is adenocarcinoma, the lesion is very low, and needs abdominoperineal resection and permanent colostomy. The procedure explained to her. She is willing to have surgery.

6. On August 26, 2009, Patient A signed a consent form for Respondent to perform abdominal perineal resection and permanent colostomy.

7. On August 26, 2009, Respondent performed an abdominoperineal resection with permanent left sided colostomy on Patient A.

8. On August 29, 2009, Patient A saw Provider B for a hematology oncology consultation. On September 4, 2009, Patient A saw Provider B for a radiology oncology consultation. Provider B recommended and performed adjuvant therapies of chemotherapy and radiation.

9. On February 11, 2010, Patient A underwent surgery performed by Provider C which included a revision of colostomy revision previously performed by Respondent.

10. As Respondent failed to determine the exact location of Patient A's tumor within the rectum, he did not perform nor recommend a sphincter sparing surgery on Patient A which would have avoided the need for a permanent colostomy.

¹ Provider A performed a colonoscopy on Patient A on August 24, 2009, at a separate facility.

11. Respondent failed to offer Patient A the option of preoperative radiation/chemotherapy and other non-surgical options before performing Patient A's August 26, 2009, surgery.

12. Respondent failed to recommend or obtain oncology consultations before performing Patient A's August 26, 2009 surgery.

13. Respondent denies the allegations above.

14. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law & Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Muhammad Y. Khan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by engaging in any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. By the conduct described in the Findings of Fact, Respondent Muhammad Y. Khan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(u) (Nov. 2002) by failing to inform a patient about the availability of all alternate, viable medical modes of treatment and about the benefits and risks of these treatments.

4. By the conduct described in the Findings of Fact, Respondent Muhammad Y. Khan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(za) (Nov. 2002) by failing to maintain patient health care records consistent with the requirements of ch. Med 21.

5. As a result of the above conduct, Muhammad Y. Khan, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Muhammad Y. Khan, M.D., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Muhammad Y. Khan, M.D., shall pay COSTS of this matter in the amount of \$1,356.00.

4. Proof of payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 20290-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

10/19/16
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MUHAMMAD Y. KHAN, M.D.,
RESPONDENT.

STIPULATION

0004975

Division of Legal Services and Compliance Case No. 14 MED 372

Respondent Muhammad Y. Khan, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Samuel J. Leib from Leib Knott Gaynor LLC.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

Stipulation

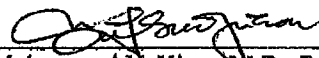
In the matter of disciplinary proceedings against
Muhammad Y. Khan, M.D. 14 MED 372

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

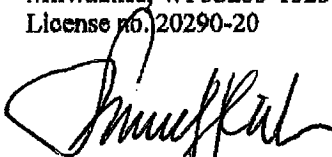
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

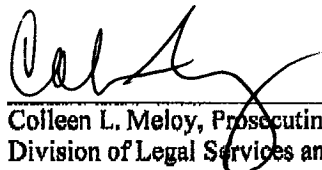
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Muhammad Y. Khan, M.D., Respondent
1218 W. Kilbourn Ave., Ste. 409
Milwaukee, WI 53233-1325
License no. 20290-20

9/27/16
Date


Samuel J. Leib, Attorney for Respondent
Leib Knott Gaynor LLC
219 N. Milwaukee Street Ste 710
Milwaukee, WI 53202-5818

10/2/16
Date


Colleen L. Meloy, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/12/16
Date